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MONTANA CONSTITUTIONAL CONVENTION

1971-1972

REPORT OF COMMITTEE ON STYLE, DRAFTING, TRANSITION AND SUBMISSION

ON

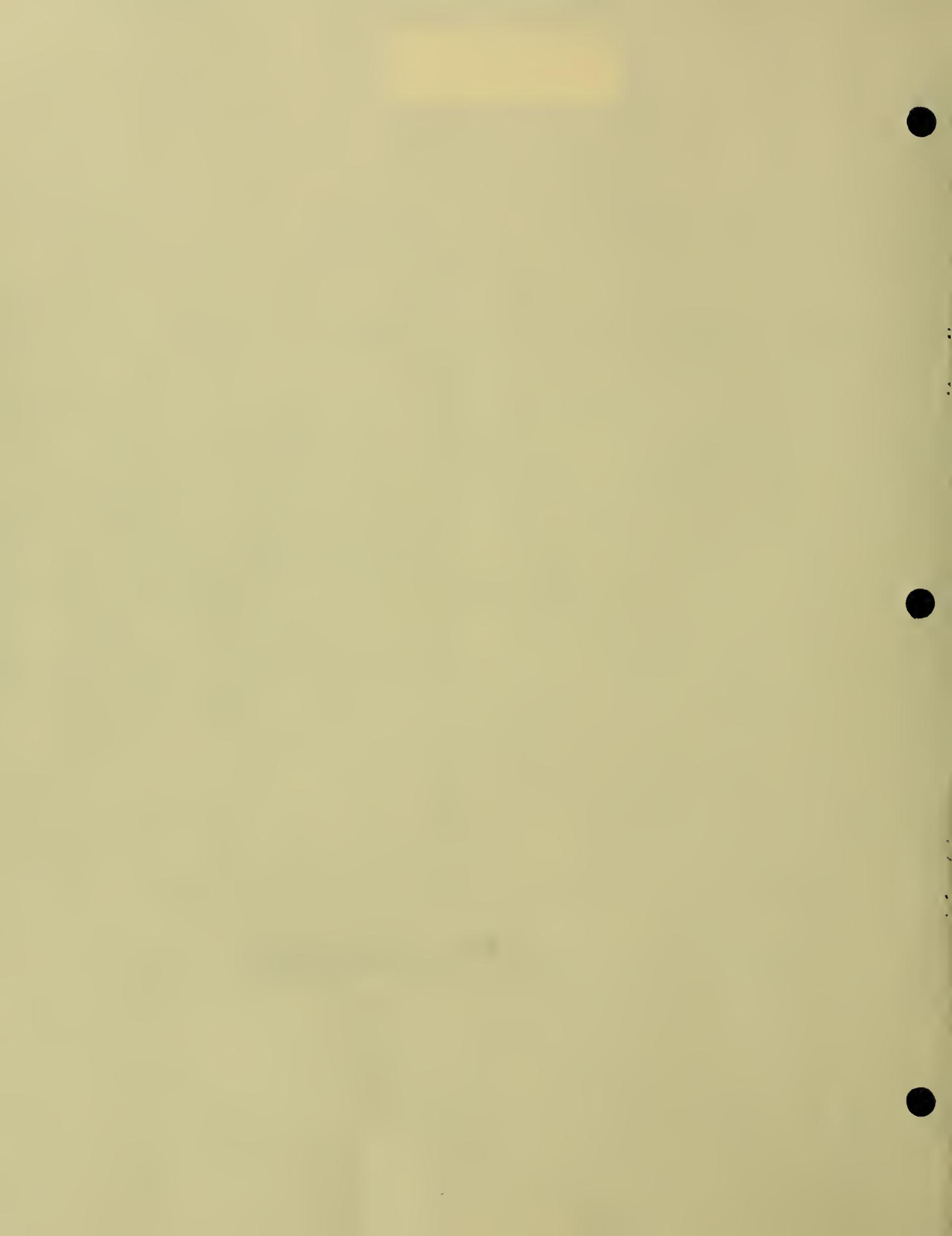
EDUCATION AND PUBLIC LANDS

No. X

Date Reported: March 15, 1972

John M. Shultz, Chairman

William F. Buckley, Vice Chairman



TO: Montana Constitutional Convention
SUBJECT: EDUCATION AND PUBLIC LANDS

Ladies and Gentlemen:

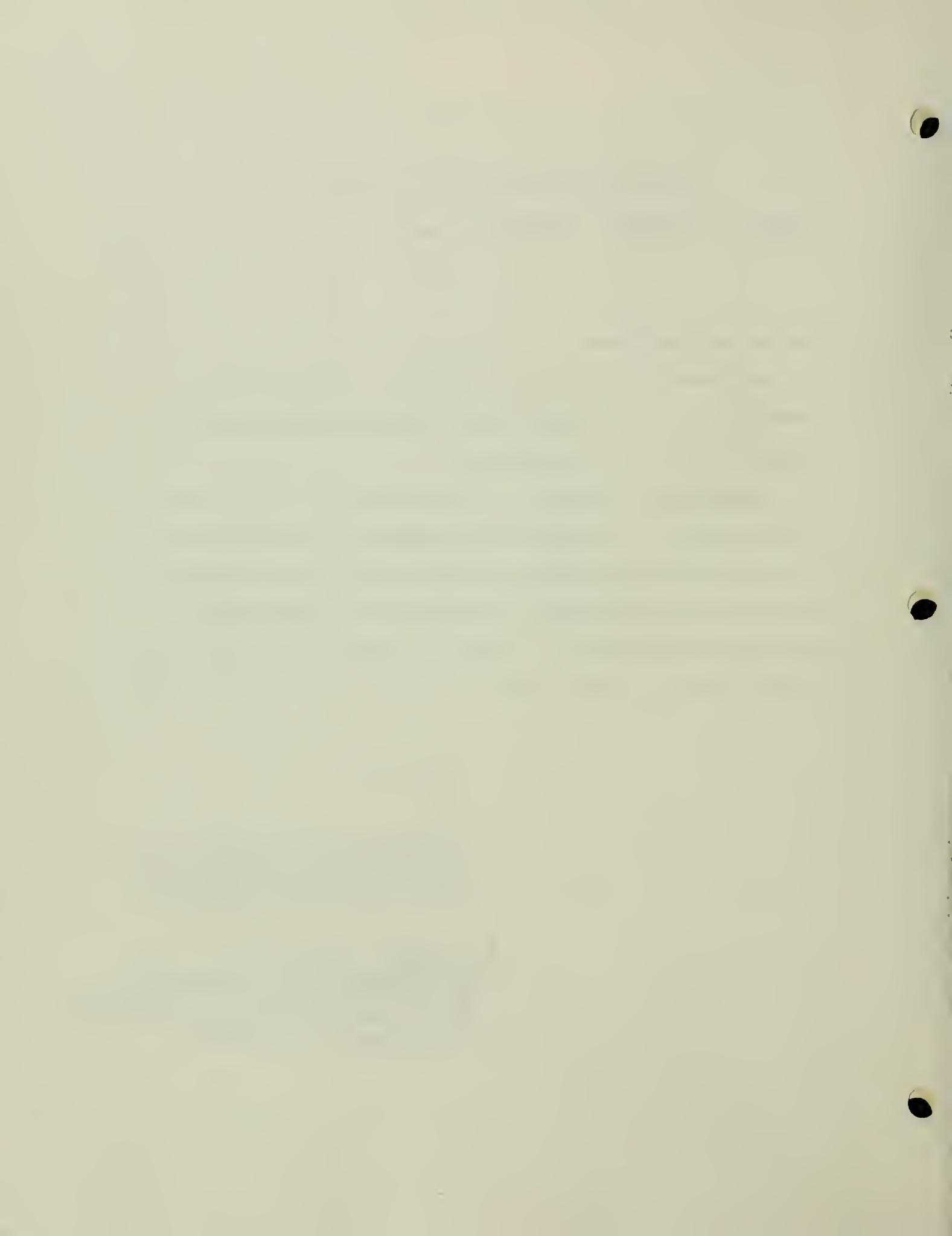
The Committee on Style, Drafting, Transition and Submission transmits revisions of the above Article for consideration of the Convention.

Immediately following this letter you will find the above Article as revised by the Committee. Following that is the Article indicating (by underlining) words we have added and (by crossing out) words we have deleted from the Article as approved. Finally, there is an explanation of the changes we have made.

Sincerely,

John M. Schiltz
John M. Schiltz, Chairman of the Committee on Style, Drafting, Transition and Submission

William A. Burkhardt
William A. Burkhardt, Vice Chairman of the Committee on Style, Drafting, Transition and Submission



BE IT PROPOSED BY THE EDUCATION AND PUBLIC LANDS COMMITTEE:

That there be a new Article on Education to read as follows:

7 Section 1. EDUCATIONAL GOALS AND DUTIES. It is the
8 goal of the people to establish a system of education which
9 will develop the full educational potential of each person.
10 Equality of educational opportunity is guaranteed to
11 each person of the state.

12 (2) The state recognizes the distinct and unique
13 cultural heritage of the American Indians and is com-
14 mitted in its educational goals to the preservation of
15 their cultural integrity.

16 (3) The legislature shall provide a basic system
17 of quality free public elementary and secondary schools.
18 The legislature may provide such other educational insti-
19 tutions, public libraries, and educational programs as it
20 deems desirable. It shall fund and distribute in an
21 equitable manner to the school districts the state's share
22 of the cost of the basic elementary and secondary school
23 system.

24 Section 2. PUBLIC SCHOOL FUND. The public school
25 fund of the state shall consist of: (1) Proceeds from the
26 school lands which have been or may hereafter be granted
27 by the United States.

28 (2) Lands granted in lieu thereof.

(3) Lands given or granted by any person or corporation under any law or grant of the United States.

1 (4) All other grants of land or money made from the
2 United States for general educational purposes or no other
3 special purpose,

4 (5) All interests in estates that escheat to the state,

5 (6) All unclaimed shares and dividends of any corporation
6 incorporated in the state,

7 (7) All other grants, gifts, devises or bequests made
8 to the state for general educational purposes.

9 Section 3. PUBLIC SCHOOL FUND INVOLATE. The public
10 school fund shall forever remain inviolate, guaranteed by
11 the state against loss or diversion.

12 Section 4. BOARD OF LAND COMMISSIONERS. The governor,
13 superintendent of public instruction, auditor, secretary of
14 state, and attorney general constitute the board of land
15 commissioners. It has the direction, control, leasing,
16 exchange, and sale of the school lands and lands which have
17 been or may be granted for the support and benefit of the
18 various state educational institutions, under such regulations
19 and restrictions as may be provided by law.

20 Section 5. PUBLIC SCHOOL FUND REVENUE. (1) Ninety-
21 five percent of all the interest received on the public
22 school fund and ninety-five percent of all rent received
23 from the leasing of school lands and all other income from
24 the public school fund shall be equitably apportioned
25 annually to public elementary and secondary school districts
26 as provided by law.

27 (2) The remaining five percent of all interest
28 received on the public school fund, and the remaining
29 five percent of all rent received from the leasing of
30 school lands and all other income from the public school

1 fund shall annually be added to the public school fund and
2 become and forever remain an inseparable and inviolable part
3 thereof.

4 Section 6. AID PROHIBITED TO SECTARIAN SCHOOLS. (1)
5 The legislature, counties, cities, towns, school districts,
6 and public corporations shall not make any direct or indirect
7 appropriation or payment from any public fund or monies, or
8 any grant of lands or other property for any sectarian pur-
9 pose or to aid any church, school, academy, seminary, college,
10 university, or other literary or scientific institution,
11 controlled in whole or in part by any church, sect, or
12 denomination.

13 (2) This section shall not apply to funds from federal
14 sources provided to the state for the express purpose of
15 distribution to non-public education.

16 Section 7. NON-DISCRIMINATION IN EDUCATION. No
17 religious or partisan test or qualification shall be
18 required of any teacher or student as a condition of
19 admission into any public educational institution. Atten-
20 dance shall not be required at any religious service. No
21 sectarian tenets shall be advocated in any public educational
22 institution of the state. No person shall be refused admission
23 to any public educational institution on account of sex,
24 race, creed, religion, political beliefs, or national
25 origin.

26 Section 8. SCHOOL DISTRICT TRUSTEES. The supervision
27 and control of schools in each school district shall be
28 vested in a board of trustees to be elected as provided by law.

29 Section 9. BOARDS OF EDUCATION. (1) There is a
30 state board of education composed of the board of regents of

1 higher education and the board of public education.
2 It is responsible for long-range planning, and for coordinating
3 and evaluating policies and programs for the state's educa-
4 tional systems. It shall submit unified budget requests. A
5 tie vote at any meeting may be broken by the governor, who is
6 an ex officio member of each component board.

7 (2) (a) The government and control of the Montana
8 university system is vested in a board of regents of higher
9 education which shall have full power, responsibility, and
10 authority to supervise, coordinate, manage and control the
11 Montana university system and shall supervise and coordinate
12 other public educational institutions assigned by law.

13 (b) The board consists of seven members appointed by
14 the governor, and confirmed by the senate, to overlapping
15 terms, as provided by law. The governor and superintendent
16 of public instruction are ex officio non-voting members of
17 the board.

18 (c) The board shall appoint a commissioner of higher
19 education and prescribe his term and duties.

20 (d) The funds and appropriations under the control of
21 the board of regents are subject to the same audit provisions
22 as are all other state funds.

23 (3) (a) There is a board of public education to
24 exercise general supervision over the public school system
25 and such other public educational institutions as may be
26 assigned by law. Other duties of the board shall be
27 provided by law.

28 (b) The board consists of seven members appointed by
29 the governor, and confirmed by the senate, to overlapping
30 terms as provided by law. The governor, commissioner of

1 higher education and state superintendent of public instruction
2 shall be ex officio non-voting members of the board.

3 Section 10. STATE UNIVERSITY FUNDS. The funds of
4 the Montana university system and of all other state
5 institutions of learning, from whatever source accruing,
6 shall forever remain inviolate and sacred to the purpose
7 for which they were dedicated. The various funds shall be
8 respectively invested under such regulations as may be
9 provided by law, and shall be guaranteed by the state
10 against loss or diversion. The interest from such invested
11 funds, together with the rent from leased lands or properties,
12 shall be devoted to the maintenance and perpetuation of the
13 respective institutions.

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1 BE IT PROPOSED BY THE EDUCATION AND PUBLIC LANDS COMMITTEE:

2 That there be a new Article on Education to read as
3 follows:

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5 ARTICLE —

6 EDUCATION

7 Section 1. EDUCATIONAL GOALS AND DUTIES OF-THE-STATE.

8 (1) It shall-be is the goal of the people of-Montana to
9 provide-for-the establishment-of a system of education which
10 will develop the full educational potential of each person.
11 Equality of educational opportunity shall-be is guaranteed
12 to each person of the state.

13 (2) The state recognizes the distinct and unique
14 cultural heritage of the American Indians and is committed
15 in its educational goals to the preservation of their
16 cultural integrity.

17 (2) (3) The legislature shall provide for a basic
18 system of quality free public elementary and secondary
19 schools. The legislature may also provide for such other
20 educational institutions, public libraries, and educational
21 programs as are-deemed it deems desirable. It shall fund
22 and distribute in an equitable manner to the school districts
23 of-the-state the state's share of the cost of the basic
24 elementary and secondary school system.

25 Section 2. PUBLIC SCHOOL FUND. The public school
26 fund of the state shall consist of: the (1) pProceeds of
27 such from the school lands as which have heretofore been
28 granted; or may hereafter be granted; to-the-state by the
29 general-government known as school lands, United States,
30 and-these (2) Lands granted in lieu of-such,thereof,

1 (3) ~~Lands acquired given or granted by gift-or-grant-from~~
2 any person or corporation under any law or grant of the
3 general-government; United States, and-of (4) ~~a~~All other
4 grants of land or money made ~~to-the-state~~ from the general
5 government United States for general educational purposes,
6 or where no other special purpose, ~~is-indicated-in-sueh~~
7 grant; (5) ~~a~~All interests in estates, or-distributive
8 shares-~~of~~-estates that may escheat to the state;, (6) ~~a~~All
9 unclaimed shares and dividends of any corporation incorpor-
10 ated ~~under-the-laws-of~~ in the state, and (7) ~~a~~All other
11 grants, gifts, devises or bequests made to the state for
12 general educational purposes.

13 Section 3. PUBLIC SCHOOL FUND INVOLATE. The public
14 school fund shall forever remain inviolate, guaranteed by
15 the state against loss or diversion.

16 Section 4. BOARD OF LAND COMMISSIONERS. The governor,
17 superintendent of public instruction, ~~state~~ auditor, secre-
18 tary of state, and attorney general ~~shall~~ constitute the
19 state board of land commissioners, ~~which-shall-have~~ It has
20 the direction, control, leasing, exchange, and sale of the
21 school lands ~~of-the-state;~~ and the lands ~~granted-or~~ which
22 have been or may hereafter be granted for the support and
23 benefit of the various state educational institutions, under
24 such regulations and restrictions as may be prescribed
25 provided by law.

26 Section 5. PUBLIC SCHOOL FUND REVENUE. (1) Ninety-
27 five percentum-~~{95%}~~ of all the interest received on the
28 public school funds-~~of-the-state;~~ and ninety-five percentum
29 ~~{95%}~~ of all rents received from the leasing of school lands
30 and ~~of~~ all other income from the public school funds shall

1 be equitably apportioned annually to public elementary and
2 secondary school districts as provided by law.

3 (2) The remaining five percentum-{5%} of all the
4 interest received on the public school funds-of-the-state,
5 and the remaining five percentum-{5%} of all the rents
6 received from the leasing of school lands and of all other
7 income from the public school funds, shall annually be
8 added to the public school funds-of-the-state-and become
9 and forever remain an inseparable and inviolable part
10 thereof.

11 Section 6. AID PROHIBITED TO SECTARIAN SCHOOLS. (1)
12 Neither ~~the legislative assembly legislature, nor any~~
13 county counties, city cities, town towns, or school dis-
14 tricts, or other and public corporations, shall ever not
15 make directly-or-indirectly, any direct or indirect appro-
16 priation, or pay payment from any public fund or monies
17 whatever, or make any grant of lands or other property
18 for any sectarian purpose or to in aid of any church, or
19 for-any-sectarian-purpose,-or-to-aid-in-the-support-of-any
20 school, academy, seminary, college, university, or other
21 literary, or scientific institution, controlled in whole
22 or in part by any church, sect, or denomination whatever.

23 (2) This section shall not apply to funds from federal
24 sources provided to the state for the express purpose of
25 distribution to non-public education.

26 Section 7. NON-DISCRIMINATION IN EDUCATION. No
27 religious or partisan test or qualification shall ever be
28 required of any person teacher or student as a condition
29 of admission into any public educational institution of
30 the-state,- either-as-teacher-or-student,-nor-shall

1 aAttendance shall not be required at any religious service.
2 whatever,-nor-shall-any No sectarian tenets shall be advocated
3 in any public educational institution of the state,-nor-shall
4 any No person shall be debarred refused admission to any public
5 educational institution of-learning on account of sex, race,
6 creed, religion, political beliefs, or national origin.

7 Section 8. SCHOOL DISTRICT TRUSTEES ELECTIONS. The
8 supervision and control of schools in each school district
9 shall be vested in a school board,- The-legislative-assembly
10 shall-provide-for-elections of school-district trustees to
11 be elected as provided by law.

12 Section 9. (1) STATE BOARDS OF EDUCATION. (1) There
13 shall-be is a state board of education composed of the Bboard
14 of regents of higher education Publie-Education and the Bboard
15 of public education Regents-of-Higher-Education-as-hereafter
16 designated. It shall-be is responsible for long-range planning,
17 and for coordinating and evaluation-of evaluating policies,
18 and programs, for the state's educational systems. It shall
19 submit unified budget requests. In-ease-of-a A tie vote at
20 a any meeting may be broken by the governor, who is an ex
21 officio member of each component board,-may-east-a-vote.

22 (2) (3) BOARD-OF-PUBLIC-EDUCAION. (a) There shall-be
23 is a board of public education which-shall to exercise general
24 supervision over the public school system and such other
25 public educational institutions as may be assigned by law.
26 Other duties of the board shall be provided by law. (b) Said
27 The board shall consists of seven members appointed by the
28 governor, with-confirmation-of and confirmed by the senate,
29 to overlapping terms as provided by law. The governor,
30 commissioner of higher education and state superintendent of

1 public instruction shall be ex officio non-voting members of
2 the board. ~~The duties of this board and of the superintendent~~
3 ~~of public instruction shall be prescribed by law.~~

4 (3) (a) The government and control of the Montana
5 University System shall be is vested in a board of regents
6 of higher education who shall be selected as provided herein.
7 The regents which shall have full power, responsibility, and
8 authority to supervise, coordinate, manage and control the
9 Montana University System and shall supervise and coordinate
10 other public educational institutions which may be assigned by
11 law. (b) Said The board shall consists of seven members
12 appointed by the governor, and confirmed by the senate, to
13 overlapping terms, subject to confirmation by the senate,
14 under regulations as provided by law. The board shall
15 appoint a commissioner of higher education and prescribe his
16 term and duties. The governor and superintendent of public
17 instruction shall be are ex officio non-voting members of
18 this the board. (c) The board shall appoint a commissioner
19 of higher education and prescribe his term and duties. (d)
20 The funds and appropriations under the control of the board
21 of regents shall be are subject to the same audit provisions
22 as are all other state funds of the state.

23 Section 10 12. STATE UNIVERSITY FUNDS. The funds of the
24 state Montana university system and of all other state
25 institutions of learning, from whatever source accruing,
26 shall forever remain inviolate and sacred to the purpose for
27 which they were dedicated. The various funds shall be
28 respectively invested under such regulations as may be pre-
29 scribed provided by law, and shall be guaranteed by the state
30 against loss or diversion. The interest of said from such

1 invested funds, together with the rents from leased lands
2 or properties, shall be devoted to the maintenance and
3 perpetuation of these the respective institutions.

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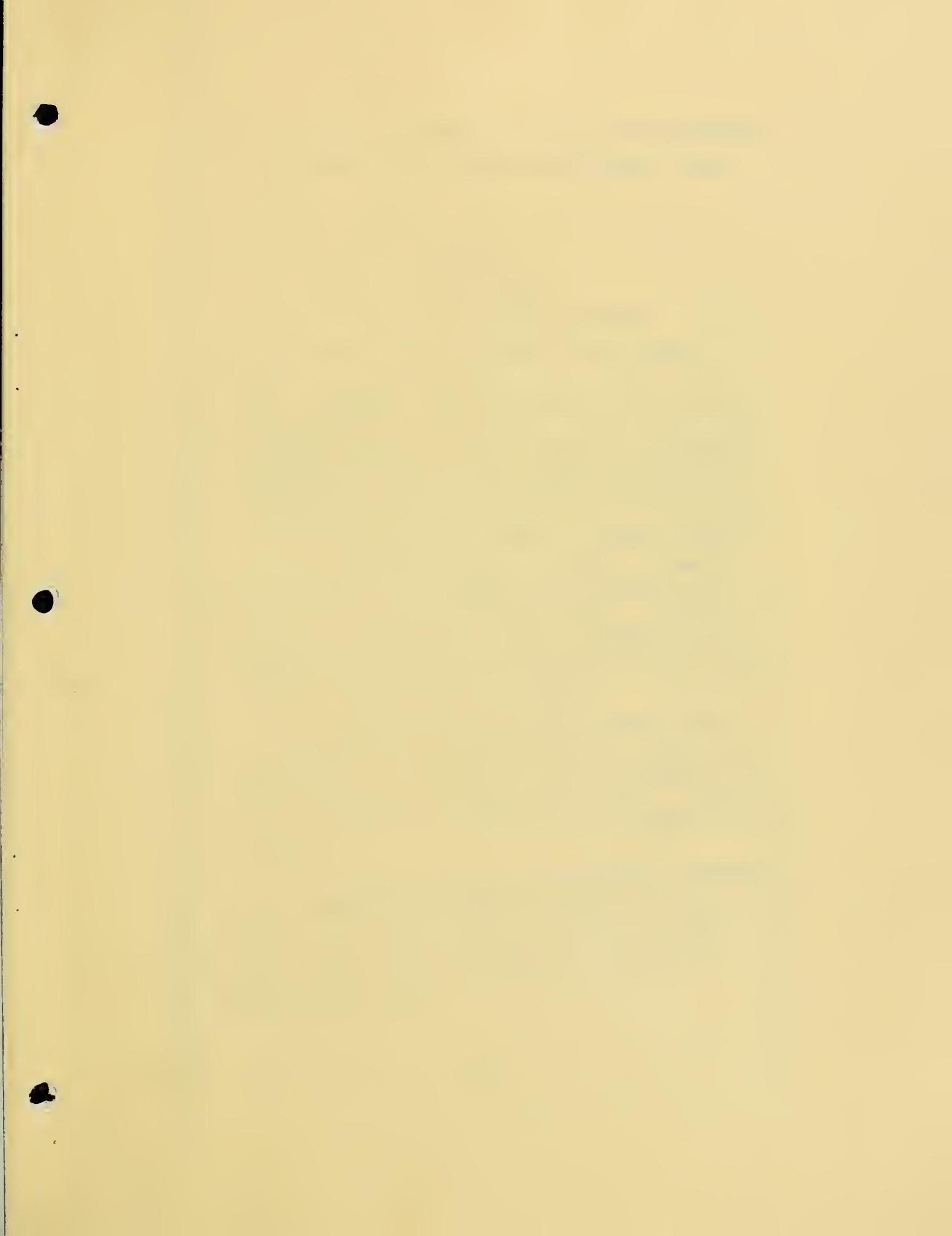
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1 BE IT PROPOSED BY THE EDUCATION AND PUBLIC LANDS COMMITTEE:

2 That there be a new Article on Public Lands to read
3 as follows:

4 ARTICLE _____

5 PUBLIC LANDS

6 Section 1. PUBLIC LAND TRUST, DISPOSITION. (1) All
7 lands of the state that have been or may be granted by
8 congress, or acquired by gift or grant or devise from any
9 person or corporation, shall be public lands of the state.
10 They shall be held in trust for the people, to be disposed
11 of as hereafter provided, for the respective purposes for
12 which they have been or may be granted, donated or devised.

13 (2) No such land or any estate or interest therein
14 shall ever be disposed of except in pursuance of general
15 laws providing for such disposition, or until the full
16 market value of the estate or interest disposed of, to be
17 ascertained in such manner as may be provided by law, has
18 been paid or safely secured to the state.

19 (3) No land which the state holds by grant from the
20 United States which prescribes the manner of disposal and
21 minimum price shall be disposed of except in the manner and
22 for at least the price prescribed without the consent of the
23 United States.

24 (4) All public land shall be classified by the board
25 of land commissioners in a manner provided by law. Any
26 public land may be exchanged for other land, public or
27 private, which is equal in value and, as closely as
28 possible, equal in area.

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BE IT PROPOS'D BY THE EDUCATION AND PUBLIC LANDS COMMITTEE:

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as follows:

ARTICLE

PUBLIC LANDS

Section 1. PUBLIC LAND TRUST, DISPOSITION. (1) All lands
of the state that have been or that may hereafter be granted
to-the-state by congress, and-all-lands or acquired by gift or
grant or devise; from any person or corp. .ion, shall be
public lands f the state, and They shall be held in trust for
the people, to be disposed of as hereafter provided, for
the respective purposes for which they have been or may be
granted, donated or devised;. and-none-of

(2) No such land, nor any estate or interest therein,
shall ever be disposed of except in pursuance of general laws
providing for such disposition, nor unless until the full market
value of the estate or interest disposed of, to be ascertained
in such manner as may be provided by law, be has been paid or
safely secured to the state. nor-shall-any

(3) No lands which the state holds by grant from the United States ~~in any case in~~ which prescribes the manner of disposal and minimum price ~~are so prescribed~~ shall be disposed of except in the manner and for at least the price prescribed ~~in~~ ~~the grant thereof~~ without the consent of the United States. Said

26 (4) All public lands shall be classified by the board of
27 land commissioners in a manner prescribed provided by law. Any
28 of-said public lands may be exchanged for other lands, public
29 or private, which are is equal in value and, as closely as
30 possible, equal in area.

EDUCATION - Report No. X

Comments on Style, Form, and Grammar

3 Section 1. Deletions remove two "false imperatives";
4 they do not alter substance. That comment follows upon the
5 conclusion that there is no substantive difference between
6 "provide" and "provide for."

Section 2. Serving the cause of comprehension by ordering
does not alter substance.

Section 4. Changes do not alter substance.

10 Section 5. Changes do not alter substance.

II Section 6. Changes do not alter substance.

12 Section 7. No change in substance.

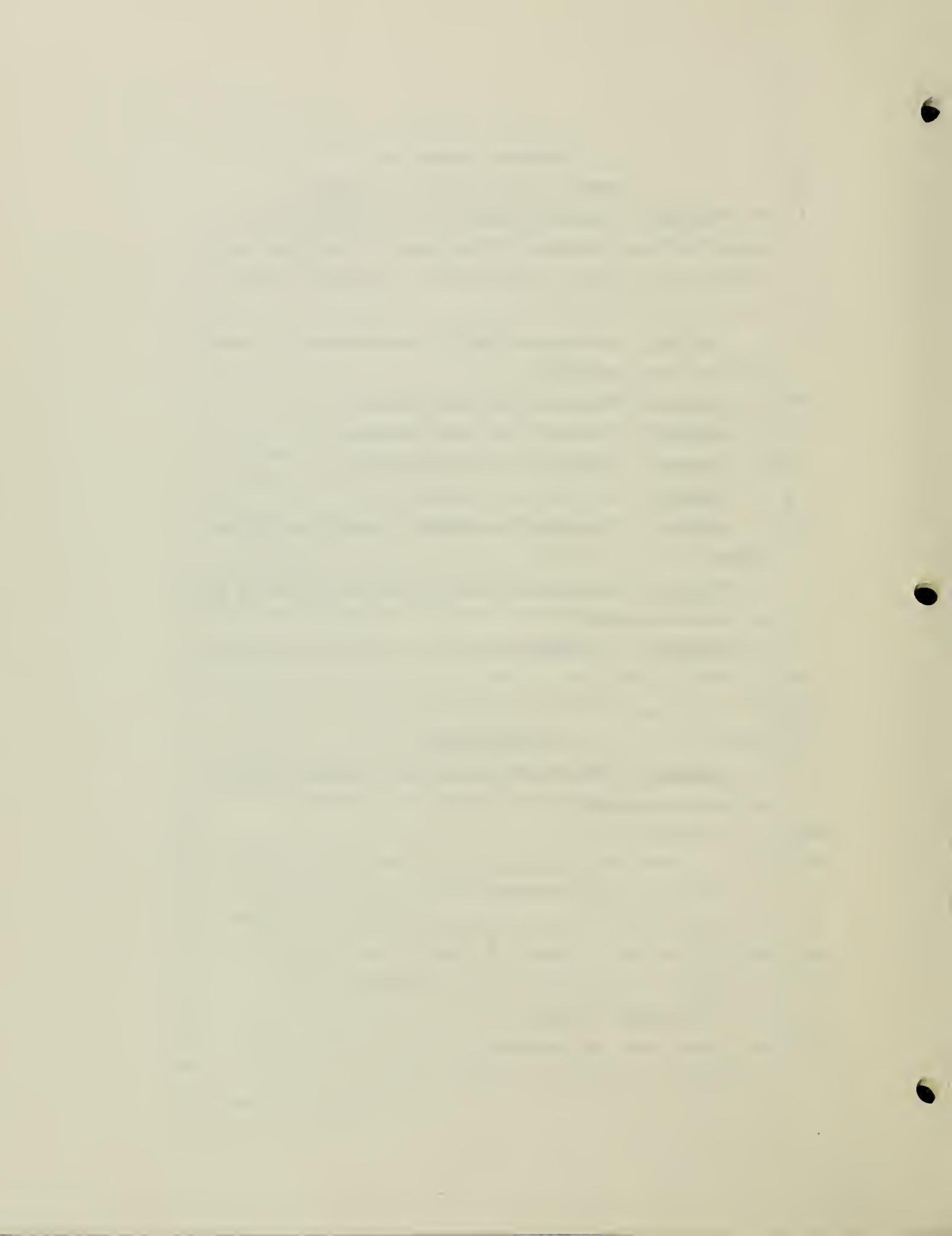
13 Section 8. The title was changed to accord with the sub-
14 stance.

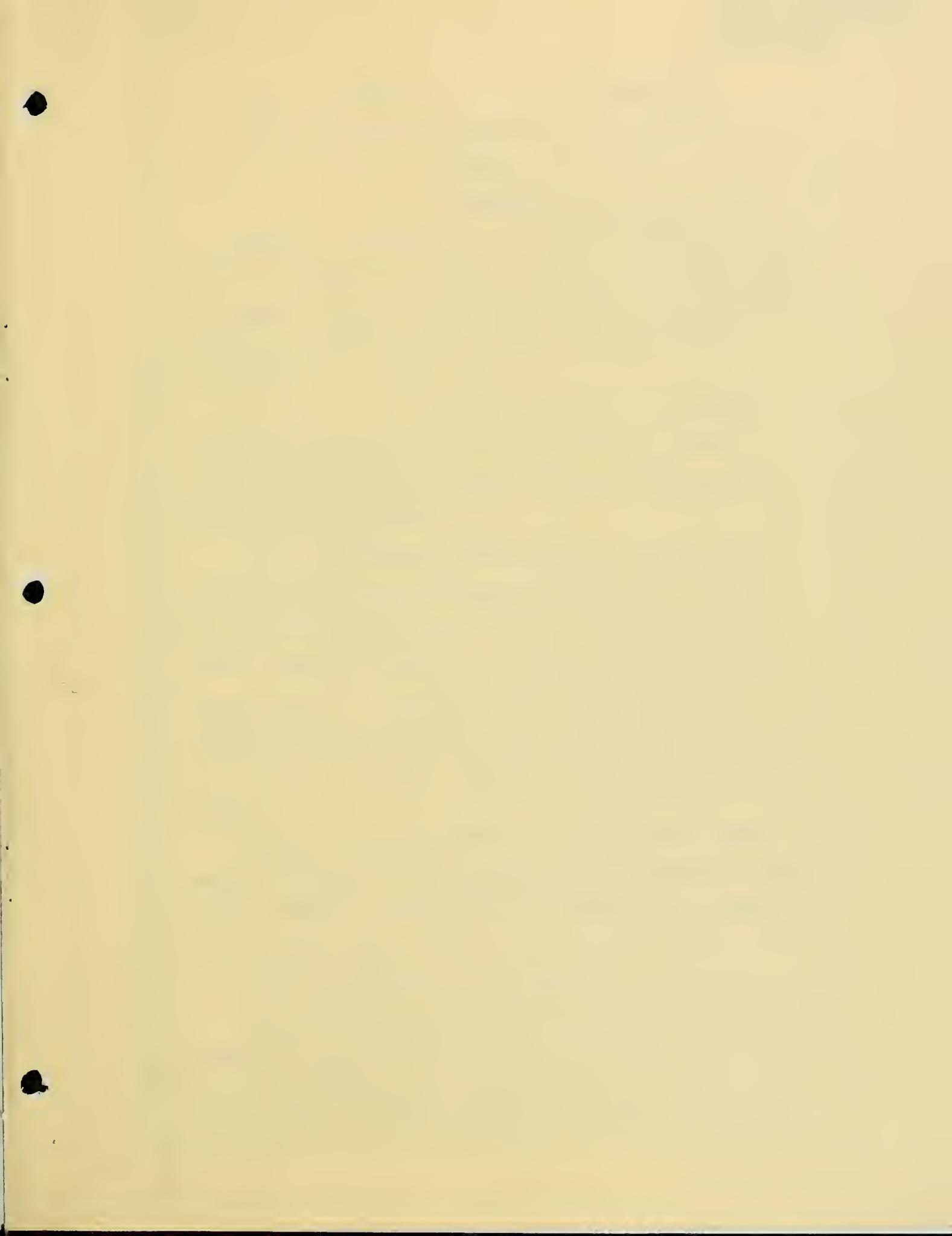
Section 9. Deleting subsection titles and reordering does not change substance.

17 Section 10. (Renumbered from 12). No change in substance.

PUBLIC LANDS

Section 1. Providing subsections and altering style do not change substance.







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STATE DOCUMENTS
MAR 20 1972

1 ORDER OF BUSINESS NO. 5 - FINAL CONSIDERATION

2 STYLE AND DRAFTING - EDUCATION - REPORT NO. X

3 ARTICLE

4 EDUCATION

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6 goal of the people to establish a system of education which
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9 each person of the state.

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11 cultural heritage of the American Indians and is com-
12 mitted in its educational goals to the preservation of
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15 of free quality public elementary and secondary schools.
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17 tutions, public libraries, and educational programs as it
18 deems desirable. It shall fund and distribute in an
19 equitable manner to the school districts the state's share
20 of the cost of the basic elementary and secondary school
21 system.

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23 fund of the state shall consist of: (1) Proceeds from the
24 school lands which have been or may hereafter be granted
25 by the United States,

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30 United States for general educational purposes or without

1 special purpose,

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4 incorporated in the state,

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8 school fund shall forever remain inviolate, guaranteed by
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11 superintendent of public instruction, auditor, secretary of
12 state, and attorney general constitute the board of land
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1 and evaluating policies and programs for the state's educa-
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6 university system is vested in a board of regents of higher
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8 authority to supervise, coordinate, manage and control the
9 Montana university system and shall supervise and coordinate
10 other public educational institutions assigned by law.

11 (b) The board consists of seven members appointed by
12 the governor, and confirmed by the senate, to overlapping
13 terms, as provided by law. The governor and superintendent
14 of public instruction are ex officio non-voting members of
15 the board.

16 (c) The board shall appoint a commissioner of higher
17 education and prescribe his term and duties.

18 (d) The funds and appropriations under the control of
19 the board of regents are subject to the same audit provisions
20 as are all other state funds.

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9 funds, together with the rent from leased lands or properties,
10 shall be devoted to the maintenance and perpetuation of the
11 respective institutions.

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1 ORDER OF BUSINESS NO. 5 - FINAL CONSIDERATION
2

3 STYLE & DRAFTING - PUBLIC LANDS - Report NO. X
4

5 ARTICLE _____
6

7 PUBLIC LANDS
8

9 Section 1. PUBLIC LAND TRUST, DISPOSITION. (1) All
10 lands of the state that have been or may be granted by
11 congress, or acquired by gift or grant or devise from any
12 person or corporation, shall be public lands of the state.
13 They shall be held in trust for the people, to be disposed
14 of as hereafter provided, for the respective purposes for
15 which they have been or may be granted, donated or devised.
16

17 (2) No such land or any estate or interest therein
18 shall ever be disposed of except in pursuance of general
19 laws providing for such disposition, or until the full
20 market value of the estate or interest disposed of, to be
21 ascertained in such manner as may be provided by law, has
22 been paid or safely secured to the state.
23

24 (3) No land which the state holds by grant from the
25 United States which prescribes the manner of disposal and
26 minimum price shall be disposed of except in the manner and
27 for at least the price prescribed without the consent of the
28 United States.
29

30 (4) All public land shall be classified by the board
of land commissioners in a manner provided by law. Any
public land may be exchanged for other land, public or
private, which is equal in value and, as closely as
possible, equal in area.